

JOSEPH A. SPINELLA, ESQ.  
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(973) 779-6605

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

JAMES R. GEORGE, individually and CHERYL  
GEORGE, his wife, and JAMES R. GEORGE,  
as Guardian ad Litem for RONALD GEORGE, a  
minor and NICOLE GEORGE, a minor,

Plaintiffs,

vs.

CEDAR GROVE POLICE DEPARTMENT;  
TOWNSHIP OF CEDAR GROVE; POLICE CHIEF,  
JEFFREY A. ROWE, Individually and in his  
official capacity; CAPTAIN FNU  
VANDERSTREET, Individually and in his official  
capacity; POLICE SERGEANT KENNETH J.  
CLARK, Individually and in his official capacity;  
POLICE LIEUTENANT, ROBERT KATTAS,  
Individually and in his official capacity;  
POLICE OFFICER, RICHARD MACALUSO,  
Individually and in his official capacity;  
POLICE OFFICER, EDWARD CONLON, JR.,  
Individually and in his official capacity; POLICE  
OFFICER, MICHAEL GRASSO, Individually and  
in his official capacity; JOHN DOES, (1-10)  
and JANE DOES (1-10), (individuals whose  
identities are as yet unknown), individually  
and in their official capacities,

Defendants.

Filed Electronically  
Civil Action No. 2:06-cv-6284

**NOTICE OF MOTION TO**  
**SEAL MATERIAL**

**PLEASE TAKE NOTICE** that on a date and time to be determined by the Court, the undersigned shall move before this Court for an Order pursuant to L. Civ. R. 5.3(c) permitting Joseph A. Spinella, Esq., to file a Confidential Declaration, under seal, in the above-captioned matter.

**PLEASE TAKE FURTHER NOTICE** that the undersigned has produced certain confidential information the public disclosure of which could effect legitimate interest and prosecution of plaintiff's case resulting in the instant motion to preserve confidentiality of the same in the form of a confidential declaration.

**PLEASE TAKE FURTHER NOTICE** that the Motion seeks relief to designate the information as "confidential" in support of the simultaneous motion to be relieved of counsel.

**PLEASE TAKE FURTHER NOTICE** that the moving party poses a legitimate interest in protecting the information labeled as "confidential" owing to the potential adverse effect on the plaintiff's interest in prosecuting the case.

**PLEASE TAKE FURTHER NOTICE** that the moving party poses that should the Order permitting Confidential Declaration to be filed, under seal, not be granted, the material contained in said document would be revealed and permitted to be utilized to the defendants' advantage and the party's loss.

**PLEASE TAKE FURTHER NOTICE** that no less restrictive alternative is available to prevent the defined and serious injury to the plaintiff and the moving party relies on the Confidential Declaration as well as the supporting Brief.

**PLEASE TAKE FURTHER NOTICE** that oral argument is not requested on this motion but left to the discretion of the Court.

Dated: November 16, 2009

/s/ Joseph A. Spinella

JOSEPH A. SPINELLA  
Co-counsel for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on this 16th day of November, 2009 a true and correct copy of the Notice of Motion to Seal Material and Proposed Order to Seal has been served, via electronic filing pursuant to R. 5.3(c), to:

Anthony P. Seijas, Esq.  
Scarinci & Hollenbeck, LLC  
1100 Valley Brook Avenue  
Lyndhurst, NJ 07071-0790  
Attorneys for All Defendants,  
except Macaluso

Albert C. Buglione, Esq.  
Deyoe, Heissenbuttel & Buglione, LLC  
401 Hamburg Turnpike, PO Box 2449  
Wayne, NJ 07474  
Attorneys for Defendant, Macaluso

Angelo R. Bianchi, Esq.  
80 Orchard Street  
Bloomfield, NJ 07003  
Co-Counsel for Plaintiffs

2. I further certify that a courtesy copy was provided by overnight mail to the Honorable Michael A. Shipp, U.S.M.J.

3. In addition thereto, a copy of the within Notice of Motion and proposed Order was served upon Plaintiffs via first class mail and Certified Mail, RRR, c/o Polizzi residence, 1204 Lighthouse Lane, Toms River, NJ 08753.

Dated: November 16, 2009

/s/ Joseph A. Spinella

JOSEPH A. SPINELLA

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Clifton, New Jersey 07013  
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and JANE DOES (1-10), (individuals whose  
identities are as yet unknown), individually  
and in their official capacities,

Defendants.

**ORDER TO SEAL**

Upon the application of Joseph A. Spinella, Esq., present co-counsel for the plaintiffs in the within matter, for the entry of an Order Permitting Confidential Declaration to be Filed Under Seal pursuant to Local Civil Rule 5.3 (c) and the Court having read and considered the moving, opposing and reply papers, and having heard argument of counsel,

and for good cause shown:

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2009;

**THE COURT FINDS** that the undersigned has produced certain confidential information, the public disclosure of which, could affect legitimate interests and prosecution of the plaintiff's case. To protect the confidentiality of this information, the moving party has filed this motion to preserve confidentiality of the Confidential Declaration.

**THE COURT FURTHER FINDS** that the Confidential Declaration, as filed to support the Motion to be Relieved of Counsel, allows said party to designate the information contained as "Confidential" and it is further required that the moving party wishing to utilize the material in furtherance of the motion and designated as "Confidential" in its submission filed with the Court must move pursuant to Local Rule 5.3 for leave to file the submission under seal.

**THE COURT FURTHER FINDS** that Joseph A. Spinella, Esq., the moving party, has a legitimate interest in protecting the information labeled as "Confidential" owing to the potential adverse effect on the plaintiff's interest in prosecuting the case.

**THE COURT FURTHER FINDS** that the clearly defined and serious potential damage that could occur in the prosecution of plaintiff's case, should the Order Permitting Confidential Declaration to be Filed Under Seal not be granted, specifically, the material contained in the Confidential Declaration, would be revealed and permitted to be utilized to the defendants' advantage and to the parties' loss.

**THE COURT FURTHER FINDS** that no less restrictive alternative is available to prevent the defined and serious injury to the plaintiff and the moving party relies on the Confidential Declaration as well as the supporting Brief.

**THE COURT FURTHER FINDS** that the moving party, Joseph A. Spinella, Esq.,

complied with the dictates set forth in Local Civil Rule 5.3(c)(2) and in case law related thereto.

**THEREFORE**, for good cause shown and in order to preserve the confidentiality of the aforesaid documents;

**IT IS ORDERED** that the Motion of Joseph A. Spinella, Esq., to file under seal the Confidential Declaration dated November 16, 2009, is hereby granted.

**IT IF FURTHER ORDERED**, that the above listed document shall be maintained under seal by the Clerk of the Court.

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HON. MICHAEL A. SHIPP, U.S.M.J.